IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15572 of 2005

Between:

Mohd. Khaleelulla S/o. Mohd. Khasim
Remaddula Village Pangal Mandal
Mahabubnagar District.

..... PETITIONER

AND

1 The Director of Civil Supplies
A.P Hyderabad.
2 The Collector and District Magistrate
Mahabubnagar Mahabubnagar district.
3 The Revenue Divisional Officer
Wanaparthy Mahabubnagar district.
4 The Mandal Revenue Officer
Pangal Mandal Mahabubnagar district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the impugned order passed by the Director of Civil Supplies, A.P, Hyderabad in Appeal No.N1/2907/2005 dated 2-7-2005 as illegal, arbitrary and violative of principles of natural justice and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MRS.SOFIA BEGUM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioner is aggrieved by the order of the 1st respondent dated 02-07-2005 dismissing the petitioner's appeal and confirming the orders of the 2nd respondent dated 15-02-2005.

It would appear that the Revenue Divisional Officer concerned had forwarded the grievance of the cardholders of Remaddula village, Pangai Mandal, Mahabubnagar District that they are facing inconvenience to draw the ration from the existing fair price shop (of the petitioner) and are requesting creation of a new shop in the village. The Revenue Divisional Officer appears to have reported that the population of the village justifies an additional ration shop. On the basis of the said report of the Revenue Divisional Officer, the 2nd respondent herein permitted the Revenue Divisional Officer to create one more fair price shop and distribute the cards allotted to the petitioner between the petitioner and another fair price shop to be constituted for the village, resulting in allocation of 291 cards for each of the shops. Aggrieved the petitioner preferred an appeal to the 1st respondent and also Writ Petition No.6741 of 2005. The writ petition was disposed of directing the 1st respondent to dispose of the appeal expeditiously and to maintain *status quo* till then. This appeal was rejected by the impugned order of the 1st respondent recording some reasons there for. However, the grievance of the petitioner is that the appeal was disposed of without notice or opportunity to him or to his counsel for the hearing on 02-07-2005. This Court at an earlier stage of admission hearing on 19-07-2005 called for the records to ascertain whether the notice was served on the petitioner or his counsel with regard to the hearing scheduled on 02-07-2005. A perusal of the record discloses that the notice for the hearing of the appeal on 02-07-2005 has not been served on the petitioner's counsel to whom it was addressed. The postal endorsement on the notice does not disclose that the notice was refused. In the

circumstances, there has been no reasonable opportunity afforded to the petitioner for the hearing of the appeal.

On the above analysis the impugned order cannot be sustained and is accordingly set aside. The appeal is restored to the file of the 1st respondent and the 1st respondent is directed to dispose of the appeal *de novo* after issuing a notice to the petitioner or his counsel and after satisfaction that the notice has been duly served and after listing the hearing of the appeal on a date reasonably subsequent to the date of service of notice on the petitioner or his counsel. Nothing in this order shall be construed as an expression by this Court on the merits or the conclusions arrived at by the 1st respondent in the order dated 02-07-2005 which has been set aside by this Court herein solely on the ground of violation of principles of natural justice. The 1st respondent shall arrive at his appellate satisfaction in accordance with law.

Accordingly the writ petition is disposed of. No order as to costs.

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GODA RAGURAM,J

22ND JULY 2005

*TSNR

To

1 The Director of Civil Supplies
A.P Hyderabad.

2 The Collector and District Magistrate
Mahabubnagar Mahabubnagar district.
3 The Revenue Divisional Officer
Wanaparthy Mahabubnagar district.
4 The Mandal Revenue Officer
Pangal Mandal Mahabubnagar district.

5. Two CCS to G.P for Civil Supplies, High Court Buildings, Hyderabad, (OUT)

6. Two C.D.Copies.